

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

*IN RE* MACKAY SHIELDS, L.L.C.,

PLAINTIFF,

CIVIL ACTION No. 05-74912

V.

HONORABLE ARTHUR J. TARNOW  
UNITED STATES DISTRICT JUDGE

HEARTLAND INDUSTRIAL PARTNERS, L.P. *ET*  
*AL.*,

MAGISTRATE JUDGE STEVEN D. PEPE

DEFENDANTS.

**ORDER DISMISSING PLAINTIFF'S MOTION TO REMAND  
WITHOUT PREJUDICE [D/E # 3], ADJOURNING  
THE APRIL 20, 2006 MOTION HEARING, AND ADMINISTRATIVELY CLOSING  
THE CASE PENDING THE BANKRUPTCY PROCEEDINGS**

In November 2005, Defendant Heartland Industries Partners removed this action to federal court. Soon thereafter in, Plaintiff filed a motion to remand. After the Judge O'Meara recused himself, the case was reassigned to this Court. A hearing date for the Motion to Remand was set for April 20, 2006 @ 2:00 pm.

On March 17, 2006, Plaintiff's counsel sent a letter informing the Court that Collins & Aikman Corp. (the "Debtor") filed a motion before Bankruptcy Judge Steven W. Rhodes in U.S. Bankruptcy Court for the Eastern District of Michigan seeking a stay to this action until the Debtor has completed reorganization under Chapter 11 of the Bankruptcy Code. MacKay Shields has responded to the motion to stay and Judge Rhodes has scheduled oral argument on that motion for April 13, 2006.

In light of these developments,

**IT IS HEREBY ORDERED** that Plaintiff's Motion to Remand is **DISMISSED WITHOUT PREJUDICE** and may be reinstated by letter at any time following the resolution of the bankruptcy proceedings.

**IT IS FURTHER ORDERED** that the April 20, 2006 hearing on Plaintiff's Motion to Remand is adjourned and will be rescheduled if Plaintiff reinstates his Motion to Remand by letter.

**IT IS FURTHER ORDERED** that the case is administratively closed pending the bankruptcy proceedings. The case may be administratively reopened by a letter to the Court indicating the parties desire to reinstate the case.

**IT IS SO ORDERED.**

s/Arthur J. Tarnow  
Arthur J. Tarnow  
United States District Judge

Dated: March 23, 2006

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 23, 2006, by electronic and/or ordinary mail.

s/Theresa E. Taylor  
Case Manager